

Message Text

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ACTION SCI-06

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TO SECSTATE WASHDC 3558

INFO AEC GERMANTOWN

AMEMBASSY ISLAMABAD

UNCLAS IAEA VIENNA 8697

E.O. 11652: N/A

TAGS: IAEA, TECH

SUBJECT: SALES OF HEAVY WATER TO PAKISTAN

REF: TATALOVICH/GABBERT TWX DTD OCT 15, 1973.

1. CANADIAN MISSION TO IAEA HAS SENT FORMAL NOTE TO AGENCY AT REQUEST OF GOVERNMENT OF PAKISTAN STATING THAT CANADIAN GOVERNMENT "DEEMS THE TEN TONS OF HEAVY WATER PROVIDED TO PAKISTAN BY THE UNITED STATES FOR USE IN KANUPP TO BE TRANSFERRED UNDER THE TERMS OF THE BILATERAL AGREEMENT FOR COOPERATION IN THE PEACEFUL USES OF ATOMIC ENERGY OF MAY 14, 1959 BETWEEN CANADA DND PAKISTAN AND AGREES TO THE LISTING OF THE HEAVY WATER IN THE MAIN PART OF THE INVENTORY FOR PAKISTAN--SECTION 10(A) PARTU (II)--OF THE TRILATERAL SAFEGUARDS AGREEMENT."

2. COPY OF FOREGOING CORRESPONDENCE FORWARDED FRIEDMAN, AEC.

3. AS FRIEDMAN/AEC INFORMED DURING GENERAL CONFERENCE, DIFFICULTY IN THIS CASE AROSE OVER MANNER IN WHICH D2O WOULD BE LISTED ON INVENTORY OF CANADA/IAEA/PAKISTAN TRILATERAL (INFCIRC/135) AND, FURTHER, IN WHICH PART OF INVENTORY IT WOULD BE LISTED. SIGNIFICANT DIFFERENCE BETWEEN CURRENT TRANSFER AND D2O TRANSFERRED IN 1969 IS THAT LATTER WAS U.S. -ORIGIN MATERIAL ACTUALLY SENT FROM UNCLASSIFIED

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CANADA, AND IT WAS TRANSFERRED TO PAKISTAN PURSUANT

CANADA/PAKISTAN BILATERAL AGREEMENT FOR COOPERATION, AND THUS, D20 WAS LISTED ON PART 1(II) OF TRILATERAL INVENTORY, WHEREAS CURRENT SHIPMENT WOULD BE DIRECTLY FROM U.S., AND IF ACCOMPLISHED, STRICTLY SPEAKING, OUTSIDE CANADA/PAKISTAN BILATERAL, THIS WOULD ALLOW PAKISTAN TO HAVE E20 LISTED UNDER PART 11(III) OF TRILATERAL INVENTORY. UNDER LATTER ARRANGEMENT, WHILE TECHNICALLY MEETING U.S. REQUIREMENT THAT D20 BE PUT UNDER TRILATERAL SAFEGUARDS AGREEMENT, PAKISTAN WOULD ESSENTIALLY HAVE RIGHT TO REMOVE IT FROM INVENTORY OF TRILATERAL (AND THUS FROM AGENCY SAFEGUARDS) AT ANY TIME THEY DESIRED, SIMPLY BY REMOVING IT FROM REACTOR. THEY WOULD NOT RPT NOT HAVE THIS RIGHT IF D20 LISTED ON PART 1(II) OF INVENTORY.

4. WHEN FOREGOING PROBLEM BROUGHT TO ATTENTION OF PAKISTANIS AND CANADIANS (WHO WERE KEEPING US INFORMED) BY AGENCY (NAKICENOVIC), IT WAS GENERALLY AGREED BY ALL CONCERNED THAT IT WOULD BE DESIRABLE TO HAVE D20 LISTED ON PART 1(II) OF TRILATERAL INVENTORY, AND THAT SOME WAY TO ACCOMPLISH THIS WITHIN LEGAL FRAMEWORK OF TRILATERAL SHOULD BE FOUND. IN THE END, CANADA FINALLY AGREED, WITH CONSENT OF PAKISTAN AND AGENCY, TO CONSIDER THAT D20 WOULD BE "DEEMED" TO BE TRANSFERRED TO PAKISTAN PURSUANT TO CANADA/PAKISTAN BILATERAL. PROBLEM THUS SEEMS TO BE SOLVED, AND ONLY REMAINING STEPS ARE FOR CANADA AND PAKISTAN TO SUBMIT FORMAL JOINT NOTIFICATION TO AGENCY WHEN SHIPMENT MADE (ASSUME U.S. WILL PROVIDE PERTINENT DETAILS TO CANADIANS IN ORDER FOR LATTER TO INITIATE JOINT NOTIFICATION) AND FOR AGENCY TO LIST E 20 IN PART 1(II) OF TRILATERAL INVENTORY.

5. AS NOTED IN AGENCY LETTER OF AUGUST 29 TO GABBERT (COPY POUCHED AMMONS/AEC), AGENCY CONFIRMED THAT IT WOULD HAVE NO RPT NO OBJECTION TO LISTING D20 IN INVENTORY UNDER CANADA/IAEA/PAKISTAN TRILATERAL.

6. IN VIEW OF FOREGOING, MISSION SEES NO RPT NO REASON FOR NOT RPT NOT PROCEEDING WITH SHIPMENT OF D20 TO PAKISTAN ASAP.
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